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Banner & Witcoff Ref. No.
Client Ref. No.

01107.52346
OM-3449

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names:

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SUBTLE MITOCHONDRIAL MUTATIONS AS TUMOR MARKERS, the specification of which

- ☐ is attached hereto.
☒ was filed on August 20, 1998 as Application Serial Number 09/377,856 and was amended on _____ (if applicable).
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(a)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/097,307	08/20/98	Yes

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Banner & Witcoff Ref. No.
Client Ref. No.

01107.62346
DM-3419

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:

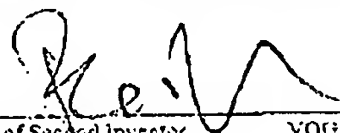
ALTHER, Robert F.	31,810	HONG, Patricia E.	34,373	NELSON, Jon O.	24,566
BANNER, Donald W.	17,037	KOSCHET, Don H.	19,090	MEGOWSKI, James A.	26,331
BANNER, Mark T.	29,688	HYMEL, Lin J.	45,414	FATEL, Binai J.	42,265
BANNER, Pamela I.	33,644	IVANICKI, John P.	34,621	PATRAK, Ajay S.	35,260
BECKEN, Matthew P.	45,824	JACKSON, Thomas H.	29,825	PETERSON, Thomas L.	30,969
BECKETT, William W.	18,762	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	25,175
BERCHAMMER, Joseph J.	43,057	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
BODNER, Jordan	42,335	KLEIN, William J.	43,719	RENN, Christopher J.	33,701
BURDOW, Scott A.	42,373	KRAUSE, Joseph P.	32,578	RESIS, Robert H.	32,168
CALLAHAN, James V.	20,095	LINER, Ernest V.	29,872	RIVARD, Paul M.	43,446
CHANG, Steve S.	42,402	MALONE, Dale A.	32,135	ROBINSON, Douglas W.	31,751
CHIAN, Gregory J.	40,939	MANNVA, Ashua K.	45,301	SCHAD, Steven P.	32,550
COCHRAMAN, Marc S.	34,143	MAPLE, Marie-Claire B.	37,588	SHIPLEY, Charles W.	28,042
CURTIN, Joseph P.	34,571	MAY, Steven A.	41,912	SHULL, Jason	47,085
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SKERPON, Joseph M.	29,864
DeMOOR, Laura J.	39,634	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas L.	35,803	McKEE, Edward F.	17,335	VAN ES, J. Pieter	37,746
FEDORUCHKO, Gary D.	15,509	MEDLOCK, Nina L.	29,673	WITCOFF, Sheldon W.	17,396
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	32,553	WOLFF, Franklin D.	19,724
FICKLER, Debra A.	46,699	MEEKER, Fredrick M.	35,282	WOLFF, Susan A.	33,558
FISHER, William J.	32,133	MILLER, Charles L.	43,505	WRIGHT, Bradley C.	35,061
GLEMECHKO, Christopher R.	38,500	MITRA, S. Justice V.	43,808		
HANLON, Ryan E.	40,149	MORENO, Christopher P.	38,566		
HIMMELBERG, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912		

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature _____ Date _____
Full Name of First Inventor POLYAK Kornelia
Family Name First Given Name Second Given Name
Residence Rosindale, MA Citizenship Hungarian
Post Office Address 25 Fairview Street, Rosindale, MA 02131

Signature  Date 9/30/01
Full Name of Second Inventor VOGELSTIEN Bert
Family Name First Given Name Second Given Name
Residence Baltimore, Maryland Citizenship United States of America
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

Signature: Kenneth W. King Date: 10/2/01
Full Name of Third Inventor: KINZLER Kenneth W.
Family Name First Given Name Second Given Name
Residence: Bel Air, Maryland Citizenship: United States of America
Post Office Address: 1403 Halkirk Way, Bel Air, Maryland 21015

10053611-012402

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SUBTLE MITOCHONDRIAL MUTATIONS AS TUMOR MARKERS, the specification of which

- ☐ is attached hereto.
☒ was filed on August 20, 1999 as Application Serial Number 09/377,856 and was amended on _____ (if applicable).
☐ was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. § 119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, § 119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. § 119(e)(1)
60/097,307	08/20/98	Yes

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT (international) filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Banner & Witcoff Ref. No.
Client Ref. No.

01107.82346
DM-3449

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:

ALTHER, Robert F.	31,810	HONG, Patricia E.	34,373	NELSON, Jon O.	24,366
BANNER, Donald W.	17,637	MOSCHETT, Dale M.	19,090	NIBGOWSKI, James A.	28,331
BANNER, Mark T.	29,883	HYME, Lin J.	45,414	PATEL, Bimal J.	42,066
BANNER, Patricia I.	33,644	IVANICKI, John P.	34,628	PATHEAK, Ajay S.	38,266
BECKER, Matthew P.	45,824	JACKSON, Thomas M.	29,808	PETERSON, Thomas L.	30,969
BECKETT, William W.	18,262	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	28,173
BERONHAMMER, Joseph J.	46,037	KATZ, Robert S.	36,402	PRATT, Thomas K.	37,210
BODNER, Jordan	42,336	KLEIN, William J.	43,719	RENEK, Christopher J.	33,761
BURROW, Scott A.	42,375	KRAUSE, Joseph P.	32,578	REES, Robert H.	32,168
CALLAHAN, James V.	20,095	LINEK, Ernest V.	29,822	RIVARD, Paul M.	43,446
CHANG, Steve E.	42,402	MALONE, Dale A.	32,153	ROBINSON, Douglas W.	32,731
COHAN, Gregory I.	40,959	MANNAYA, Ashok K.	45,301	SCHAD, Steven P.	32,550
COOPERMAN, Marc S.	34,143	MAPLE, Mario-Chaire B.	37,588	SHIPLEY, Charles W.	28,042
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, James	47,085
DAVID, Michael	44,642	McDERMOTT, Peter O.	29,411	SEERFON, Joseph M.	29,864
DEMDOR, Laura J.	39,634	McKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,237
EVANS, Thomas L.	33,803	McKEE, Edward F.	17,335	VAN ES, J. Pieter	37,746
FEDOROVICH, Gary D.	35,369	MEDLOCK, Nina L.	29,673	WITCOFF, Stephen W.	17,399
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,553	WOLFFE, Franklin D.	19,724
FICKLER, Debra A.	46,699	MEYER, Frederick M.	35,282	WOLFFE, Susan A.	33,368
FISHER, William I.	32,133	MILLER, Charles L.	43,803	WRIGHT, Bradley C.	38,061
GEMBOCCI, Christopher R.	38,800	MITCHELL, Janice V.	43,808		
HANLON, Brian E.	40,449	MORENO, Christopher P.	38,566		
HEMMENDINGER, Lisa M.	42,653	MOTTLEY, Carroll G.	42,912		

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Banner & Witcoff, Ltd.
Customer Number: 22907 (WDC)

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Signature [Signature] Date 10/2/01
Full Name of First Inventor POLYAK Kornelia
Family Name First Given Name Second Given Name

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BROOKLINE, MA 02445 RP 10/2/01

Signature _____ Date _____
Full Name of Second Inventor VOGELSTEIN Bert
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Residence Baltimore, Maryland Citizenship United States of America
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

Signature _____ Date _____
Full Name of Third Inventor KINZLER Kenneth W
Family Name First Given Name Second Given Name
Residence Bel Air, Maryland Citizenship United States of America
Post Office Address 1402 Helick Way, Bel Air, Maryland 21015

10053611.012402